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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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JAMES OBERGEFELL and JOHN ARTHUR,	:	**Case No.**
	:	
	:	**Judge**
Plaintiffs,	:	
	:	**DECLARATION OF JAMES OBERGEFELL**
vs.	:	
	:	
JOHN KASICH, et al,	:	
	:	
Defendants.	:	

I, James Obergefell, under 28 U.S.C. §1746, declare under the penalty of perjury under the laws of the United States of America that the following is true and correct:

1. My name is James Obergefell and I am a plaintiff in the above action. I have read the complaint filed in this action and I can verify that all of the facts are true. I submit this declaration in support of our request for a preliminary injunction.

2. I am 47 years old. I grew up in Sandusky, Ohio and graduated from the University of Cincinnati with a bachelor's degree in secondary education 1990.

3. I met John Arthur in Cincinnati in 1992. We have been in a loving, committed relationship since that time.

4. For many years we have both worked in the same field providing information technology consulting services. We pay our taxes, vote and care about our community.

5. Cincinnati is our home. John and I have developed many close friends in Cincinnati and we have many family members in this area and throughout Ohio. I have 10 nieces and nephews

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and five great nieces and nephews. Many are still children and we are very close to many of them.

6. We were honored and very moved when close friends, an opposite-sex married couple from Cincinnati, designated us to raise their child should they pass away while their child is still a minor. If we should have to serve we would want the child to accept us as parents with the full dignity allowed any family. We do not want to be viewed as a second-tier family.

7. We love the arts and building community. We have hosted foreign exchange students in our home; we have served as members of the Mount Washington Community Council Pendleton Neighborhood Council and as members and officers of the North Avondale neighborhood Association. We have helped raise money for the Cincinnati Symphony and the Cincinnati Preservation Association and served as volunteers for Artworks and the Cincinnati Preservation Association.

8. We also love renovating and decorating homes and traveling. We have renovated and resided in homes in Mt. Washington, North Avondale, Pendleton, and Over the Rhine.

9. In 2011, John was diagnosed with amyotrophic lateral sclerosis (ALS). Since then his muscles have steadily deteriorated. There is no cure. He will die soon.

10. On June 26, 2013, the Supreme Court decided the historic case of *United States v. Windsor*, which says that the federal government must recognize the marriages of same-sex couples who are married in the growing number of states where same-sex marriage is legal.

11. We were thrilled by the U.S. Supreme Court decision. We had been frustrated for many years by the fact that Ohio does not permit same-sex couples to marry. This decision partially opened the door toward equality.

12. On July 11, 2013, through the loving efforts of our friends and family we were able to fly on a medically equipped airplane to Maryland. While our plane sat on the tarmac at the Baltimore airport in Anne Arundel County, Maryland, we were married inside the plane in a ceremony officiated by John's aunt, Paulette Roberts.

13. We are now legally married under Maryland law. But in Ohio our marriage means nothing. Ohio does not recognize our marriage.

14. Why does this matter? We live as a married couple. We will support each other and care for each other until one of us dies. There are many tax and other benefits that our opposite-sex married friends have that we do not have because we cannot marry.

15. But this is about more than money or benefits. John will die soon. I love him deeply; more than any other person on earth. I want the world to know that we share the highest commitment two people can make to each other in our society. I recently reviewed a blank death certificate. When John dies he should be listed as married on that document and I should be listed as his surviving spouse. This is the last official record of his life. It breaks my heart to think that this record would omit the most important fact of his life – our marriage.

16. Recognizing our marriage and accurately completing John's death certificate will put us on an equal footing with opposite-sex couples in Ohio who are married outside of Ohio; accurately guide our legacy as a married couple through genealogical studies which rely on death certificates; properly record vital statistics about our marriage in Cincinnati; help me apply for any benefits to which I may be entitled as a surviving spouse; help us file joint federal, Ohio, and Cincinnati tax returns for this year; and properly say to our community for

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eternity that this man was my husband and have the government respond by saying yes, we agree and we support you.

17. Our legacy as a married couple is very important to John and to me. Our present family and friends know we are committed to each other. But in two or more generations our descendants will not know who we are. Married couples, often through research based on death records, have recognition for their special status forever. I want my descendants generations from now who research their history to learn that I loved and married John and that he loved and married me. They will know that they had a gay ancestor who was proud and strong and in love.

18. Many opposite-sex couples are married elsewhere under circumstances that would not permit them to marry if they were in Ohio. But when they move to Ohio their marriages are nonetheless treated as valid. We deserve the benefits and privileges of marriage as much as the opposite-sex couples who are married elsewhere and who would not otherwise be entitled to marry in Ohio.

19. John and I do not have much time left together. John is drawing tremendous energy from the thought that we could possibly have our Maryland marriage recognized as valid in Ohio before he dies. I ask the court to act quickly. If we can do that John will truly rest in peace.

Dated:

7/19/2013

James Obergefell

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